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Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Georgia: comments by the State

Note by the Secretariat

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Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Georgia: comments by the State*

1. The following document represents the views and comments of the Government of Georgia (hereinafter the Government or the GoG) in respect of the Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, drafted following a country visit to Georgia from 12 to 19 March 2015.

2. The Government thanks the Special Rapporteur for the assessments and recommendations and welcomes this opportunity to respond to the report.

I. Comments and observations of the Government of Georgia on the Report of the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

3. **Paragraph 15** of the Report contains incorrect reference to Article 10 of the Criminal Code of Georgia (CCG). The said Article deals with negligent offence. The definition of torture is provided by Article 144[1] of the Criminal Code of Georgia.

4. With regard to **paragraph 16** of the Report the GoG kindly clarifies that the crime of torture prescribed by paragraph 1 of article 144[1] of the Criminal Code of Georgia is punishable by imprisonment of 7 (seven) to 10 (ten) years and not of 5 (five) to 10 (ten) years as stated in the Report.

5. With regard to **paragraph 17** it should be further emphasized that article 144[1] also contains paragraph 3 which outlaws torture committed by an organized group and stipulates that it should be punished by imprisonment from 12 (twelve) to 17 (seventeen) years and temporary disqualification from certain posts or professional duties up to five years.

6. With regard to **paragraph 24** the Government of Georgia is pleased to report that the amendments to the law on the Prosecutor's Office were passed by the Parliament on 18 September, 2015.

7. With regard to **paragraph 43** the GoG would like to clarify that aside from the Criminal Procedure Code of Georgia, police activities are regulated by the Law of Georgia on Police adopted in 2013 that defines its functions, measures to be carried out by the police and legal forms of exercising police authority. The abovementioned law envisages 2 procedures that may qualify under the term "conversation" and both of them are official and routine police activities.

8. First is a so called Questioning. Pursuant to Article 19 of the abovementioned law, the police has the authority to "question" a person, which means, openly and directly request a person to identify himself and present documents for reasons including but not limited to: a person's appearance being similar to the appearance of a wanted or missing person; reasonable grounds to believe that a person has committed or will commit an offence; a person is in the territory of or in a facility subject to a special regime, or in a place under special police control etc.

* Reproduced as received.

9. The Second procedure that doesn't require that the status of defendant or witness be granted, is envisaged by Article 21 of the Law, which states that "The Police may invite a person by a notification to interview him/her at a police station, if there are reasonable grounds to believe that the person holds necessary information that will help the Police to carry out their function or it is necessary for identification of another person.

10. A report shall be prepared about the interview that shall be signed by the police officer who prepares the report and by an invited person.

11. In both cases grounds for questioning/interview shall be explained and the provision of information is strictly voluntary. Persons under the age of 14 may be questioned only in presence of their parents or legal representatives.

12. With regard to **paragraph 46** the GoG kindly clarifies that the Action Plan on combating torture and ill-treatment for 2015-2016, elaborated and adopted by the Interagency Council on Combating Torture and Other Forms of Degrading and Inhuman Treatment or Punishment (headed by the Minister of Justice), contains Chapter 4 on ensuring access to the information on combating torture and ill-treatment for the Public. In particular, activity 4.2.2 imposes on the Ministry of Internal Affairs, the Chief Prosecutor's Office and the Supreme Court duty to publicize the information on investigations and court procedures on the ill-treatment cases through the press releases and various forms of media and other channels of communication.

13. With regard to **paragraphs 51 and 113 (c)**, it is appreciated that the Report incorporates improved safeguards in application of plea agreements both in terms of legislative amendments and actual practice, which is backed by the statistics. However, paragraph 51 as well as other paragraphs of the Report does not provide clear understanding of what is meant under the still existing "element of coercion" in plea bargaining. Based on the reference made to the pre-trial detentions in paragraph 51 and other parts of the Report, it can be assumed that nature of pre-trial detentions, which is considered by the Special Rapporteur as being restrictive, is perceived as an "element of coercion". Though, considering the recommendation made in paragraph 113 (c) of the Report "to eliminate all coercion in plea bargaining, including by revising the restrictive and prolonged nature of the current pre-trial detention regime", it appears that apart from the pre-trial detention related matter there is at least one other element as well, which in the view of the Special Rapporteur also has a coercive effect on plea bargain. It is impossible to identify from the Report what the other implied element is. Unfortunately, the said factor creates difficulty both in terms of providing the relevant comment as well as remedying the deficiency in case of its existence.

14. The GoG kindly clarifies that the percentage of cases which ended with plea-bargaining decreased drastically. And this was triggered by the legislative reform initiated by the Ministry of Justice. As to the prolonged pre-trial detention, we would like to note that maximum term of pre-trial detention is 9 months in Georgia. Amendments were made to the Criminal Procedural Code of Georgia, which entered into force in July 2015. One of the important novelties provided by the said amendment is that the courts now are under the duty to reconsider the necessity of remand detention applied to a defendant at least in every two months (Please see also the comment on paragraph 111).

15. Regarding the **paragraph 53** of the Report, it should be underlined that according to Article 144[1] of the Criminal Code of Georgia statute of limitations is not applied in relation to the offences of torture, threat of torture and inhuman or degrading treatment. Therefore, the statute of limitations can never be an obstacle to the prosecution of the above-mentioned crimes. It should be noted as well, that according to the Order #181 of the Minister of Justice of Georgia, dated 8 October 2010, "on the Adoption of the General Part of the Guiding Principles of the Criminal Justice Policy", which provides guidelines for

application of prosecutorial discretion, prosecutors are recommended to carry out prosecution in relation to the offences of torture and inhuman or degrading treatment.

16. With regard to **paragraph 60 and paragraph 114 (f)** of the Report the GoG would like to clarify that the Department for the Crimes Committed in the Course of Legal Proceedings (hereafter Department) is free to invite forensic experts from the national expertise bureau or other experts unrestrictedly. It is worth to be noted, that including the forensic expert in the staff of the Department may cause doubts about his/her independence, as well as have a negative impact on the credibility of evidences collected with his/her participation. Moreover, the said composition of the Department would be incompatible with the Criminal Justice System of Georgia as it is based on the principles of the adversarial system. Therefore, there are no visible grounds justifying the necessity of including one or more forensic experts in the composition of the Department.

17. Regarding the **paragraph 68** the GoG further provides the following update:It should be underlined that the political will to establish thorough, transparent, independent and effective investigative mechanism is manifested in the EU-Georgia Association Agenda, National Human Rights Strategy and Action Plan, and reaffirmed in the newly adopted anti-torture action plan.

18. At the meeting (held on 18 May 2015) the council decided that the line ministries will thoroughly analyze the principles upon which the investigation mechanism can be based on. The comments of the relevant agencies were collected by the secretariat and the follow up meeting was held on 23 October 2015 to progress in reaching common ground and chart the way ahead.

19. **Paragraphs 89 and 90 of the Report.** In paragraph 89 the Report notes that the inmate who complained to the Public Defender about the alleged ill-treatment incident was charged with the offence of false complaint. The investigation on the alleged fact of ill-treatment against the above-mentioned inmate was started immediately after receiving the relevant information from the Public Defender. It should be emphasized that the said information was used only as a ground for launching the investigation. In the course of investigation the inmate was asked to testify in the capacity of witness. Prior to interrogation he was explained of the rights and obligations of the witness prescribed by the Criminal Procedure Code of Georgia (CPCG), including criminal liability for giving false testimony and false denunciation. Despite the abovementioned warning, the inmate made a false denunciation against the officers of the Penitentiary Department and communicated false information to the investigation, that inhuman treatment was applied against him by the aforesaid officers. Respectively, in the given case, the inmate was charged for giving the false information to the investigation authority and false denunciation after he was informed about the criminal liability for that. Thus, there is no connection between the above-mentioned charges and the complaint to the Public Defender. Notably, following the respective deliberation on this matter, Tbilisi City Court did not find any violation of the Optional Protocol to the Convention against Torture (OPCAT).

20. The above-mentioned clarification was also provided to the Special Rapporteur in the course of drafting the report.

21. In the context of the allegations regarding re-charging and re-sentencing of inmates by means of planted blades or other weapons mentioned in paragraphs 89 and 90 of the Report, the Special Rapporteur "notes with concern that some inmates have been re-charged and re-sentenced, therefore made to serve a term much longer than the one originally handed down".

22. It is not unusual that an inmate may commit a crime while serving a sentence in the penitentiary. In this case, there is an obligation for prosecution which may certainly result in conviction and subsequent re-sentencing. Correspondingly, there are some cases in Georgia where certain inmates were re-charged and re-sentenced in relation to the offences

committed in the period of serving sentence.

23. The Prosecution Service of Georgia (PSG) is committed to ensure that all criminal prosecutions take place in strict adherence to legislation. Any allegation of possible abuse of prosecutorial power is subject to deep scrutiny and thorough investigation carried out by the designated PSG body (General Inspection).

24. With regard to **paragraph 99**, it should be mentioned that the hygiene products for women prisoners is no longer a concern. Prison shops are supplied by a private company selected on the bases of a competition. Furthermore, hygiene standards are regulated by the joint order of the Minister of Correction and the Minister of Labour, Healthcare and Social Protection on 'Establishing Nutrition and Sanitary-Hygiene Norms for Pre-trial Detainees and Convicts'. Amendments to the order were introduced in August 2015 (after the visit of the Special Rapporteur). According to the amendments, specifically article 4, the Ministry of Corrections is responsible for the uninterrupted provision of necessary items of feminine hygiene free of charge for women at penitentiary establishments. The new requirement has since been duly enforced.

25. With regard to **paragraph 100** of the report the GoG kindly clarifies that the number of juveniles has never been 1 166 in 2008 and 381 in 2014. The correct numbers of juvenile prisoners in 2008 and 2014 years are 260 and 83 respectively.

26. Regarding the **paragraph 113 (b)** the GoG kindly clarifies that Article 218(8) of the Criminal Code is not a proper reference. The relevant provisions are contained in Article 218(8) of the Criminal Procedure Code.

27. As to the recommendation to "take measures to close any gap – whether due to inadequate use of plea bargaining or erroneous interpretation of article 144(1) – that would allow perpetrators of torture and ill-treatment to receive a more lenient sentence", the Report does not provide any elaboration on its grounds.

28. Concerning **recommendation 113 (g)** the Government acknowledges the gap in Georgian legislation, which precludes subjecting an inmate to involuntary psychiatric forensic examination (which is a mandatory requirement for the court ruling to be issued subjecting a person to involuntary psychiatric treatment). The Ministry of Corrections together with the Ministry of Labor Health and Social Affairs and the Healthcare and Social Affairs Committee of the Parliament of Georgia are drafting amendments to relevant legislation. This process is supported by the expert of the Council of Europe who has reviewed Georgian legislation related to mental health and is to provide final recommendations in January 2016. Once the recommendations are developed they will be taken into consideration in order to ensure harmonization of Georgian legislation with relevant European standards.

29. With regard to **paragraph 113 (h)** the GoG kindly clarifies that with the EU technical assistance the Ministry of Justice has developed a new version of the Criminal Code which will be presented to the Parliament in 2016. Liberalization of criminal law and, where feasible, reduction of sentences is the key objective of the reform. As to the drug-related crimes, in July 2015 the Parliament passed the law whereby it delineated from each other criminal liability for drug possession and drug distribution. For the former the sentence is much more lenient whereas for the latter no changes were introduced. In particular the previous version of article 260 of the Criminal Code of Georgia provided a criminal liability of up to 11 years of imprisonment for both drug possession (and other enlisted actions, such as production, storage, etc.) and distribution. In accordance with the new law, the maximum sanction will be decreased to 6 years of imprisonment for the possession. Likewise, in case of aggravated circumstances the drug possession will be punishable by imprisonment from 5 to 8 years instead of the previous range of 7-14 years.

30. The GoG has prepared a draft law whereby no criminal liability will be imposed for the possession of up to 70 grams of marijuana on those who have committed this act for

the first time. While those who have been subject to administrative sanction for the possession of marijuana before or those who have previously been convicted of any criminal offence will be subject to criminal liability for the possession of up to 70 grams of marijuana, no imprisonment will be provided by the law even for such persons. Furthermore, rather lenient criminal sanctions will be prescribed for the distribution of marijuana compared to that of other narcotic drugs.

31. In addition, within the Council of Europe/EU Eastern Partnership Programmatic Co-operation Framework (PCF) regional initiative, the project "Alternatives to coercive sanctions to drug law offences and drug-related crime" is being implemented in Georgia. Under this project in close cooperation with the Pompidou Group, the comparative research is being conducted with the purpose to identify what models of alternatives for imprisonment for drug dependent offenders are applicable and feasible for Georgia. On the basis of findings the alternatives to imprisonment will be further integrated in the policy and practice of Georgia.

32. Moreover, Georgia signed the Memorandum of Understanding with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) on 4 November 2015 and within the scope of this cooperation anti-drug policy will be further approximated with the EU standards based on the scientific evidence and findings.

33. With regard to **paragraph 115 (e)** the GoG kindly clarifies that the Parliament adopted Georgia's first separate legal act - the Juvenile Justice Code - on 12 June 2015, which entered into force on 1 January, 2016.

34. The new Code expands the alternatives to criminal prosecution, such as diversion and mediation, and diversifies the sanctions available to judges to ensure that the detention and imprisonment are used only as the measures of the last resort as derived from the principle of the best interests of the child and other international standards under the UN Convention on the Rights of the Child and relevant international instruments. As of September 2015, home arrest and other alternative measures to detention have been enacted in practice. As of January 2016 only specialized professionals (judges, prosecutors, policemen, investigators, social workers, attorneys, mediators, etc.) will be authorized to deal with juvenile criminal cases in Georgia.

35. With regard to **paragraph 111 (page 21)** the GoG kindly clarifies that in order to bring the provisions regulating pre-trial detention in compliance with international and common European standards, and to implement the OSCE/ODIHR recommendations, the Ministry of Justice prepared the legislative amendments to the Code of Criminal Procedure adopted by Parliament on 8 July 2015.

36. The reform introduced a periodic automatic judicial review of the pre-trial detention the maximum period of which is limited to nine months. According to the reformed system, a presiding judge has to review the necessity of a pre-trial detention at least once in two months and should order the defendant's release if no compelling reason to leave the defendant in custody is found with the passing of time. The burden of proof for exposing the persistence of the compelling need for prolonging the detention rests with the prosecution and the court has to reason such a decision.

37. In addition, the Inter-Agency Council chaired by the Minister of Justice is considering setting up an independent pretrial bureau which will be providing judges with objective and unbiased reports about the defendants to enable the judge to make the informed decision on pretrial measures which may be justified in each particular case.

38. The liberal approach of the Government to non-custodial measures is best reflected in the statistical drop of the share of pre-trial detention in the total number of all restrictive measures imposed in criminal trials - from 54.2% in 2010, at its peak under the previous government, to 26.8% in 2013, 32% in 2014 and 31% in 2015. Even more encouraging is the dynamics of courts' approvals of the prosecution's requests for pretrial detention. In 10

months of 2015, courts granted just 59% of prosecution's motions for pretrial detention. During previous government, courts granted more than 94% of motions.

II. Additional Information on the issues addressed in the report

39. Reform of the correctional system has been one of the main priorities of the new government since its coming to power in October 2012. The revision of criminal and sentencing policy, as well as the large-scale amnesty along with the efficient work of the parole boards and the wider use of alternatives to imprisonment have resulted in considerable decrease of the prison population bringing incarceration rate in Georgia (previously topping the list of European countries) closer to respective international benchmark. The decrease of prison population from around 24000 in 2011 to just under 10 000 in December 2015 has proven to be possible without a significant impact on public safety.

40. Most importantly, torture and ill-treatment as a systemic problem and the method of maintaining order in the penitentiary establishment and beyond were eradicated. Isolated cases of misconduct if and when they occur, result in immediate action without any tolerance of such behavior. In order to effectively prevent and ensure follow-up to any incident of abuse or ill-treatment, the internal monitoring mechanism was strengthened by introducing a Systemic Monitoring Division within the General Inspection Department of the Ministry of Corrections. External monitoring is ensured by unimpeded access of the Public Defender and the members of the National Preventive Mechanism to the penitentiary establishments. Based on recent amendments the NPM is entitled to take photos in the establishments to document potential abuses in line with the Istanbul Protocol.

41. The minimum space of $4m^2$ for sentenced and $3m^2$ for pre-trial inmates is guaranteed by the revised Imprisonment Code in line with European standards. All prisoners in correctional establishments have access to adequate health services fully compatible with general healthcare services provided in the community. Primary Healthcare units operate in all penitentiary establishments, modern prison hospital was fully staffed and equipped.

42. In line with the new Juvenile Justice Code adopted in 2015, the Ministry of Corrections launched implementation of a new form of alternative sanction - a home arrest, which enables juvenile offenders to serve their sentence without being isolated from their families and communities.

1. Conditions of Detention

43. Significant progress has been achieved since 2013 regarding the **imprisonment conditions**. Namely:

- Two penitentiary establishments (Tbilisi N1 and Zugdidi N4) were permanently closed due to inadequate living conditions;
- Batumi N3 establishment, juvenile rehabilitation facility N11 and facility N19 for treatment of Tuberculosis in Ksani were re-opened after substantial renovation during 2013-2015;
- The renewed Central Prison Hospital was put into operation again in June 2014. The hospital has a capacity of 90 places and meets the civilian hospital standards; it is licensed according to the civilian healthcare licensing protocol. The hospital has a special unit for up to 53 inmates with disabilities;
- The Establishment of Restriction of Liberty ("Halfway House") for adult male inmates was opened in Tbilisi in February 2014. The aim of the establishment is to prepare

inmates for release. Inmates have access to education and work opportunities, as well as the right to leave the establishment on weekends;

- In compliance with the legislative amendments, the MoC has introduced an objective classification system based on inmate's risks and needs assessment methodology. In the risk assessment process, while the respective methodology will consider circumstances of the crime committed by an inmate, it will equally take into account an individual's behavior, criminal history and personal characteristics. As a result of risk assessment process inmates will be allocated to relevant establishments. The methodology includes development and implementation of individual sentence plan for each inmate. The classification process will assist the prison administration in safeguarding healthy correctional environment and facilitate successful rehabilitation of inmates;

- The legislation was amended in 2014 to ensure minimum $4m^2$ living space for convicts and $3m^2$ - for pre-trial prisoners in line with the European standards. However, due to lack of appropriate infrastructure, the standard is not yet fully ensured in all penitentiary establishments. Upon re-opening of the high-risk establishment N6 after renovation (planned by the end of December 2015) the problem will be resolved. We note, that the space requirement is strictly observed in all new and newly refurbished establishments;

- The Ministry of Corrections started to develop prison infrastructure to support the new classification system. A new type of low-risk penitentiary establishment with the capacity of up to 900 inmates was opened in Rustavi in July 2015. The establishment (#16) is focused on rehabilitation and re-socialization programmes for inmates. Vocational education facilities, as well as workshops are available at the establishment in order to support this objective. The staff has received comprehensive methodological guidance and training;

- Completion of a high-risk penitentiary establishment in Laituri, Western Georgia (with the capacity of up to 350 inmates) is scheduled by the end of 2016;

44. Additionally, a concept of a new establishment for juveniles (14-18) and young offenders (18-21), ensuring proper separation of different age groups and pre-trial and convicted prisoners was drafted. The construction plan has been developed and appropriate works are to be launched in 2016.

45. Providing constructive out of cell activities to all prisoners is one of the challenging tasks of the Ministry of Corrections, which is being gradually addressed. In 2015, the **infrastructure of walking yards** in the Penitentiary Establishment N3 in Batumi was significantly improved. Various sorts of sports fields are located on the territory of facilities N5, N11, N12, N14, N15, N16 and N17. Closed sport hall and gym are accessible in the penitentiary establishment N16. The gym is also available at the establishment N5 for female prisoners. All **sportive facilities** are provided with appropriate equipment and renewable inventory. For additional information on rehabilitation opportunities please refer to the chapter 5 of this report.

2. Prison Overcrowding

46. The **number of prisoners** drastically reduced in 2013 has remained stable:

Number of persons held in penitentiary establishments					
2010[1]	2011	2012	2013	2014	2015
23 684 (among them: 22 307 male, 1 171 female, 203 male juveniles and 3 female juveniles)	24 114 (among them: 22 724 male, 1 213 female, 175 male juveniles and 2 female juveniles)	19 349 (among them: 18 301 male, 925 female, 122 male juveniles and 1 female juvenile)	9 093 (among them: 8 768 male, 250 female, 75 male juveniles)	10 372 (among them: 10 008 male, 281 female, 83 male juveniles)	10 201 (among them: 9 824 male, 325 female, 52 male juveniles)

47. The Government is working to provide more **alternatives to imprisonment** in order to avoid the prison overcrowding. A new form of alternative sanction ('Home Arrest') has been introduced for juvenile offenders and will be implemented by the National Probation Agency in 2016. The agency will supervise the execution of this measure as a rule by special electronic bracelets. Based on the practice of application of this new measure the Ministry of Corrections plans to initiate application of home arrest towards adults as well.

48. Regarding **long-term isolation**, the Ministry of Corrections acknowledges that certain inmates in the penitentiary establishments are indeed held in separate cells (in many occasions by their own written request) and this is not linked with application of a disciplinary sanction. In the latter case the decision of the prison administration is based on the individual assessment of circumstances. There are certain inmates, who cannot share cells with others for the reasons of their own or other inmates' security. Such cases are regularly reviewed to re-assess the existence of respective grounds for separation. However, when isolation of an inmate is applied as a disciplinary sanction - its duration cannot exceed 14 days (instead of previously available 20 days) as established under the amendments to the Code of Imprisonment on May 2015.

49. As regards to **administrative arrest,** the Ministry of Corrections would like to stress that the administrative detention is always applied by the court. Moreover, the application of administrative arrest in prisons is rare. Only 15 such cases were registered during the last 3 years. In addition we note that the comprehensive revision of the Code of Administrative Offences is underway.

50. Unsatisfactory conditions during the transfer of prisoners have been addressed through the renewal of the pool of special vehicles providing adequate conditions for inmates.

3. Prevention of torture and Ill-treatment

51. Torture and ill-treatment in the penitentiary system has been a grave concern for years. As mentioned by the Special Rapporteur in his comprehensive assessment, eradication of this systemic problem became one of the main priorities of the new government since it came to power in 2012.

[1] The numbers are given as of December each year

52. Significant efforts were made to improve the **qualification of staff**. Over 35-40% of the prison staff was replaced during 2013-2014. Senior management in all institutions was changed; training on human rights standards and absolute prohibition of torture and inhuman or degrading treatment or punishment were provided to the entire penitentiary staff at the Penitentiary and Probation Training Centre. According to the new Law on Special Penitentiary Service all new employees of the penitentiary establishments will undergo a 6 week preliminary compulsory training at the expense of the state. The first ever long-term training programme (6 months long) for newly recruited prison regime officers was launched in March 2014.

53. Steps were made to improve the effectiveness of the **complaints mechanism**. Complaint boxes were installed in every penitentiary establishment and special envelopes for anonymous complaints have been made available. In May 2015 the maximum period for reviewing complaints has been considerably shortened, from 90 to 20 days. Complaints concerning potential cases of torture and ill-treatment shall be reviewed immediately.

54. The **Public Defender, his mandated representatives and the National Preventive Mechanism (under OPCAT), enjoy unrestricted access** to all penitentiary establishments. As emphasized in the report, according to the May 2015 amendments to the Imprisonment Code, Public Defender and the members of the National Preventive Mechanism have been provided with the right to take photos in order to document potential abuses from September 2016. The Ministry of Corrections in cooperation with the PDO is currently developing an order which is to regulate the aforementioned process.

55. In order to prevent human rights violations in the penitentiary establishments, the MoC strengthened internal monitoring mechanisms by introducing a new structural entity within the General Inspection Department – the **Systemic Monitoring Division**. The Division carries out planned and unplanned monitoring visits and reviews complaints filed by inmates and ensures effective follow-up.

Statistical Data of disciplinary sanctions against employees					
Disciplinary Sanctions	2011	Jan 2012 - Nov 1, 2012	Nov 1, 2012 – Dec 31, 2013	Jan 2014 - Dec 31, 2014	Jan 2015 – Dec 2015
Dismissal		2	83	32	11
Other disciplinary sanctions: Warning, Reprimand, etc.	13	5	149	103	135
Total	13	7	232	135	146

56. The last legislative amendments to the Imprisonment Code foresee the creation of Special Consultative Board. Representatives of civil society and international organisations will participate in the working process of the board. The application process is already complete and the first meeting of the board was held in December 2015.

4. Medical Care

57. As emphasized by the Special Rapporteur, significant effort has been made to improve the inadequate medical service in the system. Following measures shall be noted:

- Strategy and Action Plan for Prison Healthcare Reform were developed and are consistently updated and monitored;

- Prison healthcare budget was increased from 7.2 million (2012) to 14.5 million GEL (2013) and 15.3 million GEL (2015). The increased budget in light of a drastic reduction of prison population, enabled the MoC to bring the penitentiary healthcare in compliance with the healthcare standards in the community;

- New standards of Penitentiary Healthcare were approved in April 2015 as well as the standards for the use of medicines in prisons; supply and access to the medicines was considerably improved. Furthermore, the new food standard implemented in 2013 was further upgraded in 2014 within 12 different rations.

- The first medical examination is provided to prisoners within 24 hours after checking in and regular medical examinations are carried out every 6 months for juveniles, as well as adult inmates aged over 49 and once a year for adults below 50 even if the inmate has no health issues. Smart reception unit were opened in Gldani N8 which operates based on dynamic security principles. Multidisciplinary approach to the prisoner's needs has been introduced; Preliminary medical examination is conducted for each new prisoner without exception;

- The Penitentiary system remains open to the supply of medications and services from the outside. If the required medication is not available at the facility it can be provided by the family members or relatives of prisoners from the outside. Visits of doctors from civilian clinics are also permitted. Finally, prisoners are not always transferred to the Central Prison Hospital (establishment N18). In urgent cases patients are referred to civilian hospitals located closest to the penitentiary facility, considering the availability of the required services;

- Medical services have become fully available including through timely referrals to the private clinics and hospitals. Electronic Queue Management System and Electronic Health Record have been developed and put into operation. Electronic Queue Management ensures transparent, equal and effective handling of regular medical services; it also calculates average waiting times (the period varies from 25 to 55 days depending on the urgency, type of services and geographical location); emergency cases don't fall under the waiting list and are addressed without delay;

- Program on the Diagnosis and Treatment of Hepatitis C in correctional institutions was launched in 2013. From 2015 Governmental program for Hepatitis C Elimination is being implemented in the penitentiary system. Beneficiaries of the program undergo treatment with new medication "Sofosbuvir". In 2014-2015, 470 patients were involved in the course of treatment with 102 registered recoveries. Currently, 59 patients are undergoing treatment;

- Universal access to HIV counselling, testing and treatment has been established;

- Access to antidrug services has been improved: 1. new department of addictology has been opened; 2. Anti-dependency campaign against psychotropic drugs has been started; 3. Drug clinic has been contracted in the civilian healthcare sector; 4. Coverage of methadone detoxification programme has been expanded to female institutions;

- Suicide Prevention Program has been launched. Currently the programme is implemented in all establishments except for N9, N15 and N19. The programme will be expanded to the remaining institutions during 2016. The program envisages several specific stages. First of all the information on mental condition of the prisoner and risk factors is acquired which helps to identify individuals inclined to suicide. Following the initial stage a psychologist consults the prisoner and decides whether a multidisciplinary assistance is required. The multidisciplinary team consists of a psychologist, psychiatrist, a social

worker, a doctor and a representative of the prison administration. The team studies risk factors, develops protection mechanisms, an individual assistance plan and implements it. Beneficiaries of the programme may be placed under 24 hour video monitoring depending on the level of risk. 150 inmates are enrolled in the suicide prevention programme. We note that none of the 2 registered cases of suicide in 2015 had occurred among the beneficiaries of the programme.

Cases of Suicide by Years				
2011	**2012**	**2013**	**2014**	**2015** November
6	4	6	7	2

Note: *As to the inquiry of the Special Rapporteur concerning the suicide prevention programme the Ministry of Corrections would like to note the following:*

In March 2015 the Council of Europe conducted a training course for prison staff on suicide prevention. The programme aims at supporting successful implementation of suicide prevention measures in prisons. The training focused on stress and other factors in prisons affecting the emotional state of prisoners and increasing the risks of suicide and self-harm. The second phase of the cascade training was carried out in November 2015 and the plan is to gradually train all doctors, psychologists, psychiatrists, social workers and regime officers working in the penitentiary system.

- A new **Rehabilitation Centre for treatment of inmates infected with tuberculosis** was opened. The data for transmission of TB in the penitentiary system is quite remarkable:

Cases of Tuberculosis and recoveries by years			
Year	**Total number of registered TB cases**	**Number of newly registered TB cases**	**Number of recovered patients**
2012	674	601	418
2013	228	135	107
2014	180	70	56
2015	81	53	24

- The implemented reforms largely contributed to the improvement of general health of inmates and subsequently reduced mortality as well as the spread of tuberculosis and infectious diseases. Tables below demonstrate the dynamic of cases of mortality in penitentiary establishments during the past few years.

Year	Number of cases of death in prisons
2010	144
2011	140
2012	67
2013	25
2014	27
2015	12

- High priority is given to ensuring high level of **qualification of medical personnel**. In the framework of the European Union/Council of Europe joint programme "Human Rights in Prisons and Other Closed Institutions", the basic training modules for prison healthcare personnel was developed. The newly recruited personnel will undergo 14 day

training, while current medical staff is to undergo a 6-day special training at the Penitentiary and Probation Training Centre.

58. The Ministry of Corrections in cooperation with the EU/CoE joint project is currently developing special **forms to be used by doctors for documenting physical evidence of abuse in line with Istanbul Protocol**. The doctors are to receive appropriate training once the forms are adopted.

5. Rehabilitation and re-socialisation of prisoners

59. The rehabilitation and re-socialisation of prisoners is one of the top priorities for the Ministry of Corrections. The Social Unit of the penitentiary department of the Ministry of Corrections annually carries out a survey concerning the needs and preferences of prisoners in connection to rehabilitation programmes. The programmes are drafted and tailored to the needs of each category of prisoners and delivered by both the Ministry of Corrections and by the local NGOs. The Ministry of Corrections believes that ongoing process of classification and individual sentence planning will have a positive impact on involvement of prisoners in different rehabilitation and re-socialization activities including work, vocational training, education etc. The Ministry of Corrections recently started working on legislative amendments (Imprisonment Code, Law on State Procurement etc.) that will promote work within penitentiary establishments and increase the number of prisoners engaged in such activities. Overall the Ministry of Corrections has a positive trend in regards to engagement of prisoners in rehabilitation activities:

Number of Inmates Involved in Rehabilitation Programmes					
Programmes	**2011**	**2012**	**2013**	**2014**	**November 2015**
Vocational/Professional Trainings	105	305	777	625	290
Training-educational programme	53	260	85	335	433
Computer courses			63	343	304
Intellectual/cognitive meetings				208	470
Psycho-social programme/therapy			87	72	287
Psycho-social trainings	22	54	277	1110	768
General education			105	192	80
Total	**180**	**619**	**1394**	**2885**	**2632**

60. In order to ensure the efficiency and effectiveness of rehabilitation programmes, the Ministry of Corrections has developed a common standard for programmes in the framework of the EU project. The standards were developed with participation of the professional groups of the Penitentiary Department, National Probation Agency and National Association of Social Workers, namely:

- Standards for Psycho-social rehabilitation service providers, that work with the adolescents with deviational behaviour or in conflict with law;
- Standard of rehabilitation service delivery to adults in the criminal justice system.
- Care standards for inmates with disabilities and substance-dependent persons are also being developed.

61. Finally, considering that family contacts may contribute to the successful rehabilitation of inmates the Ministry of Corrections has increased the number of visits

available to prisoners (regulated by the article 62 of the imprisonment code). Currently, convicts in semi-open type facilities have 2 short-term visits per month and 3 long-term visits per year. Short-term visits are carried out without separating glass barriers in the establishments N5, N11 and N16 in order to encourage more direct interaction between inmates and their relatives.

62. According to the article 87 of the Juvenile Justice Code juveniles have 4 short-term visits per month and 2 similar visits additionally as an incentive. Moreover, juveniles have 4 long-term visits per year and 6 additional similar visits per year as an incentive. Four video conferences are also available with 2 more as an incentive.